

date of this Act. A report of suspected abuse, neglect, or exploitation that is made before that date is governed by the law in effect on the date the report was made, and that law is continued in effect for that purpose.

(b) Notwithstanding any provision of Subchapter A-1, Chapter 531, Government Code, or any other law, the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code, as added by this Act, may not be transferred to the Health and Human Services Commission and remains the responsibility of the Department of Family and Protective Services.

(c) As soon as possible after the effective date of this Act, the commissioner of the Department of Family and Protective Services shall transfer the responsibility for conducting investigations of reports of abuse, neglect, or exploitation occurring at a child-care facility, as that term is defined in Section 40.042, Human Resources Code, as added by this Act, to the child protective services division of the department. The commissioner shall transfer appropriate investigators and staff as necessary to implement this subsection.

(d) The Department of Family and Protective Services shall implement the standardized definitions and policies required under Sections 40.042(b) and (c), Human Resources Code, as added by this Act, not later than December 1, 2017.

SECTION 16. This Act takes effect September 1, 2017.

Passed by the House on April 28, 2017: Yeas 136, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 249 on May 26, 2017: Yeas 140, Nays 0, 3 present, not voting; passed by the Senate, with amendments, on May 24, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.

ESTABLISHING A STATEWIDE ELECTRONIC TRACKING SYSTEM FOR EVIDENCE OF A SEX OFFENSE

CHAPTER 1137

H.B. No. 281

AN ACT

relating to establishing a statewide electronic tracking system for evidence of a sex offense.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Subchapter B, Chapter 420, Government Code, is amended to read as follows:

SUBCHAPTER B. COLLECTION, ~~AND~~ PRESERVATION, AND TRACKING OF EVIDENCE OF SEX OFFENSE

SECTION 2. Subchapter B, Chapter 420, Government Code, is amended by adding Section 420.034 to read as follows:

Sec. 420.034. STATEWIDE ELECTRONIC TRACKING SYSTEM. (a) For purposes of this section, "evidence" means evidence collected during the investigation of an alleged sexual assault or other sex offense, including:

(1) evidence from an evidence collection kit used to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other biological evidence of a sexual assault or other sex offense.

(b) The department shall develop and implement a statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense.

(c) *The tracking system must:*

(1) *track the location and status of each item of evidence through the criminal justice process, including the initial collection of the item of evidence in a forensic medical examination, receipt and storage of the item of evidence at a law enforcement agency, receipt and analysis of the item of evidence at an accredited crime laboratory, and storage and destruction of the item of evidence after the item is analyzed;*

(2) *allow a facility or entity performing a forensic medical examination of a survivor, law enforcement agency, accredited crime laboratory, prosecutor, or other entity providing a chain of custody for an item of evidence to update and track the status and location of the item; and*

(3) *allow a survivor to anonymously track or receive updates regarding the status and location of each item of evidence collected in relation to the offense.*

(d) *The department shall require participation in the tracking system by any facility or entity that collects evidence of a sexual assault or other sex offense or investigates or prosecutes a sexual assault or other sex offense for which evidence has been collected.*

(e) *Records entered into the tracking system are confidential and are not subject to disclosure under Chapter 552. Records relating to evidence tracked under the system may be accessed only by:*

(1) *the survivor from whom the evidence was collected; or*

(2) *an employee of a facility or entity described by Subsection (d), for purposes of updating or tracking the status or location of an item of evidence.*

(f) *An employee of the department or a facility or entity described by Subsection (d) may not disclose to a parent or legal guardian of a survivor information that would aid the parent or legal guardian in accessing records relating to evidence tracked under the system if the employee knows or has reason to believe that the parent or legal guardian is a suspect or a suspected accomplice in the commission of the offense with respect to which evidence was collected.*

(g) *To assist in establishing and maintaining the statewide electronic tracking system under this section, the department may accept gifts, grants, or donations from any person or entity.*

SECTION 3. (a) Not later than September 1, 2019, the Department of Public Safety of the State of Texas shall require all facilities and entities described by Section 420.034(d), Government Code, as added by this Act, to participate in the statewide electronic tracking system established under that section.

(b) Section 420.034, Government Code, as added by this Act, applies only to evidence collected on or after the date on which a facility or entity is first required under Subsection (a) of this section to participate in the statewide electronic tracking system. Evidence collected before that date is not required to be tracked under the tracking system.

SECTION 4. This Act takes effect September 1, 2017.

Passed by the House on April 12, 2017: Yeas 146, Nays 0, 1 present, not voting; passed by the Senate on May 24, 2017: Yeas 30, Nays 1.

Approved June 15, 2017.

Effective September 1, 2017.